

**Before The
Federal Communications Commission
Washington, D.C.**

In the Matter of)	
)	
Request for Review by Wheeling School)	CC Docket No. 02-6
District 21 of the Funding Decision of the)	
Universal Service Administrator)	
)	CC Docket No. 96-45
)	
Schools and Libraries Universal Service)	Wheeling School District 21
Service Support Mechanism)	2011 Funding Year
)	FRNs: 2189778, 2189782, 2189789,
		2189795

**REQUEST FOR REVIEW BY WHEELING SCHOOL DISTRICT 21 OF FUNDING
DECISION OF THE UNIVERSAL SERVICE ADMINISTRATOR**

Wheeling School District 21 (the “District”)¹ respectfully requests, pursuant to Sections 54.719 through 54.723 of the Commission’s rules,² that the Commission review and reverse the Universal Service Administrative Company (“USAC”) Funding Commitment Decision issued on November 14, 2012 for funding year 2011 (“USAC Funding Decision”) for the above-referenced FRNs.³ For the reasons set forth herein, the Commission should grant any waivers that may be necessary or warranted and remand the underlying applications to USAC for immediate approval.⁴

¹ Wheeling School District 21 is assigned Billed Entity Number (BEN) 135338. The FCC Form 471 Application on which the above-referenced FRNs were submitted to USAC is Funding Year 2011 Form 471 Application Number 806960.

² 47 C.F.R. §§ 54.719-54.723.

³ See USAC Funding Commitment Decision for Funding Year 2011 (“Funding Decision”).

⁴ In addition to the waiver requests set forth below, the District requests that to the extent necessary, the Commission waive section 54.507(d) of its rules and direct USAC to waive any procedural deadline, such as the invoicing deadline, that might be necessary to effectuate the Commission’s order in this proceeding.

Background

Wheeling School District 21, located in Cook County, Illinois, is comprised of nine elementary schools and three middle schools. Nearly 7,000 students, representing 4,500 families, attend District schools. Approximately 36% of the families are classified as low-income, with 37% of the student population identified as Limited English Proficient (LEP). The District is eligible to receive services under the E-rate program at the 67% discount level.

On December 5, 2010, the District posted a Funding Year 2011 Form 470 requesting bids for Internet access service, WAN service, website hosting, and email hosting services.⁵ In response to the Form 470, the District received multiple bids for WAN service, website hosting, and email hosting and one bid for Internet Access service. After a thorough evaluation of the merits of each bid, as discussed in more detail below, the District chose Net56 to provide these services along with other service providers to provide other e-rate services. The District filed its Form 471 Application for these services on March 19, 2011.⁶

During USAC's Special Compliance Review of the District's funding request, the District provided information regarding its application and bid selection process to USAC in response to USAC inquiries. By letter dated May 18, 2012, USAC informed the District that the review was complete and that USAC planned to deny the funding request because price was not the primary factor in vendor selection.⁷ The District promptly submitted information to USAC demonstrating that price *was* the primary factor used to select bids, and that the District complied

⁵ Attached hereto as Exhibit 1. The District also posted additional Form 470s for other services not subject to this appeal.

⁶ Attached hereto as Exhibit 2. USAC assigned the following FRNs to the services: 2189778 (Internet Access), 2189782 (WAN), 2189789 (web hosting), and 2189795 (email hosting).

⁷ See Letter from Courtney Santiago to Wheeling SD 21, dated May 18, 2012, attached as Exhibit 3.

with USAC's competitive bidding requirements by selecting the most cost-effective bids.⁸

Despite this showing, USAC issued the Funding Decision on November 14, 2012 denying funding for each of the FRNs on the basis that price was not the primary factor in selecting Net56 as the winning bidder.

As demonstrated below, price was the primary factor considered during the District's bid evaluation process. The Commission should reverse the Funding Decision and remand the District's application to USAC for immediate approval.

I. Price was the Primary Factor in the District's Selection of the Winning Bids.

USAC's sole stated basis for denying funding for the FRNs is its determination that the District's vendor selection documentation "demonstrates that the price of eligible products and services was not the primary factor in selecting the winning bidder." USAC appears to have reached this conclusion based solely upon a document the District provided to USAC that lists categories for the District's initial evaluation of applications. On a few of these documents – but none related to the bids that are the subject of this appeal – multiple categories including price were casually characterized as each comprising 20% of the initial weighting. Because of this single document, USAC apparently surmised that the District weighted other criteria equally to price for all FRNs and that price therefore was not the primary factor in the District's selections.

As demonstrated below, USAC's assumption was incorrect.

A. The Screening Document Was Not Actually Used to Weight Other Factors Above Price.

Far from a smoking gun, the version of the document that caused USAC to deny funding was not even used for any of the bids at issue in this appeal. The version that was used for these

⁸ See June 7, 2012 and June 29, 2012 letters from Jason Klein to Courtney Santiago, jointly attached hereto as CONFIDENTIAL Exhibit 4.

services does not have percentages accorded to any factor.⁹ And even where the offending version was used in other cases, the referenced percentages were only cosmetic, as they were not used to compute any score that was determinative of the District's selections.¹⁰

The rules do not require a specific numeric scoring methodology. The USAC website says only that an applicant "can" use such a methodology, not that it must. The District recognizes that Commission and USAC guidance may indicate that if a scoring system is in fact used to calculate and thereby determine which bid to choose, then price must be allocated the highest numerical percentage. However, the District did not use the 20% figure in that way to drive the selection of any chosen vendor. As demonstrated below, all decisions were made after an extensive review process that went beyond the initial screening, and during that process price was consistently the most important factor.

B. Price Was the Most Important Factor.



The screening document was not (and was never intended to be) the sole method used to determine the bids the District would select. Instead, after the initial review was performed using that document, all viable bids including their initial evaluations were subjected to a thorough review by the senior members of the District's selection team. At these final levels of review and decision making, price was by far the primary factor in choosing Net56. The District provided documentation to USAC that this evaluation process included numerous internal meetings on attached documentation evidencing that such meetings occurred on January 4, January 7, January 10, January 13, January 18, January 20, and February 9, 2011 to review the

⁹ See CONFIDENTIAL Exhibit 5.

¹⁰ The screening document did not include percentages until a USAC representative indicated that they believed the District should include them. The District thereafter added numbers to a new template, which was used in some of the other FRNs not subject to this appeal, but the actual evaluations completed for the FRNs at issue in this appeal did not even use that newer version that has percentages on them.

bids as well as meetings with the vendors to clarify questions concerning their proposals. The District's Director of Technology represented to USAC under oath that he directed this process and that price was the most important factor in the District's selections.

Moreover, the District's primary emphasis on price is evidenced by its actual selections. The District chose the lowest available price for three of the four FRNs that are the subject of this appeal, and for eight of ten FRNs overall. While the District first asks the Commission to find that the District complied with the rule that price be its most important factor, even if it does not, under existing Commission precedent, the District should qualify for a waiver for all FRNs in which it selected the lowest viable bid.¹¹

- FRN 2189778 (Internet Access): Net56's bid was the only bid received for Internet Access and the District determined the proposed price was reasonable and cost-effective for the services.
- FRN 2189782 (WAN): Net56 bid the lowest price for this service, by far. The District selected Net56's bid of \$5856.75/mo because it was substantially less expensive than **[[[BEGIN CONFIDENTIAL**  **END CONFIDENTIAL]]]**. The District was impressed by the quality of service offered by one of these other bidders, but chose Net56's bid because of its cost-effective price.
- FRN 2189789 (Web Hosting): Net56 bid the lowest price for this service. The District selected Net56's bid of \$750/mo because it was less expensive than **[[[BEGIN CONFIDENTIAL**  **END CONFIDENTIAL]]]**.

Thus, the District should receive any necessary waiver for these three FRNs. In addition, the District would appreciate if the Commission would extend such waiver to all FRNs based upon

¹¹ See *Request for Review of the Decision of the Universal Service Administrator by Allendale County School District, et al., Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 6109 (2011). See also *Requests for Review and Waiver of Decisions of the Universal Service Administrator by Colorado Springs School District Colorado Springs, CO, Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 7022 (June 20, 2012).

contracts that the District selected during its 2011 and 2012 bidding process in which the District selected the lowest bidder. It would unnecessarily waste Commission, USAC, and District resources for USAC to deny such FRNs on the ground that the District failed to make price the most important factor in its selection of service providers. For example, the Net56 contracts at issue in this appeal are multi-year contracts that extend through funding year 2015, so those applications are based upon the same contracts and competitive bidding process under review in this case. The District also used the initial screening tool document with the 20% price figure for some 2011 and 2012 FRNs that remain pending at USAC. The District is not asking the Commission to approve these other pending FRNs; only to provide sufficient guidance to USAC (along with any necessary waivers) that would make unnecessary a repeat of the precise issues raised by this appeal.

Alternatively, the Commission should consider providing new guidance to USAC that the act of choosing the lowest bid is itself sufficient dispositive evidence that price was the most important factor in the selection process. If no waiver is deemed necessary in such cases, USAC would be able to grant funding without the need for burdening districts and the Commission with appeals that would in any event be granted by the Commission under the *Allendale* precedent.

In the case of the final FRN, for email hosting, the District did not choose either of the two nominally-lowest bids. Nonetheless, the District did weigh price most heavily and believes that Net56's bid, nominally the third lowest of seven bids, offered the most cost-effective viable service. The District received bids from [[[BEGIN CONFIDENTIAL

END CONFIDENTIAL]]].

The District was not able to gain confidence that the lowest bid was a bona fide, reliable quality service offering responsive to its Form 470, and therefore concluded that it was not a viable option. The Commission has previously held that a district is not obligated to consider further a bid that fails to satisfy minimum technical capabilities, such as the quality of service.¹²

Net56's price was nominally \$89 higher than the second lowest bid, but the District concluded that the second-lowest bid was less cost-effective than the Net56 bid because it would require substantial implementation work, service interruption, reduced functionality, and significant re-training for all staff.¹³ These additional costs were easily expected to exceed \$89/month, so the District reasonably concluded that Net56 did in fact offer the lowest net price.¹⁴ It also offered superior quality and reliability to other bids close in price, and was therefore the most cost-effective option.

Conclusion

As demonstrated above, the District adhered to the e-rate program's competitive bidding requirements in consideration of the bids received. Price was *always* the primary factor considered during the District's bid evaluation process, including the District's final determination that the bids from Net56 were the most cost-effective. There is no evidence of waste, fraud or abuse, misuse of funds, of a failure to adhere to other core program requirements. The District understands the critical importance of rigorous adherence to competitive bidding requirements. But even if the mere clerical reference to a 20% weight for price – even though it was not used to calculate any scores that drove selection of a vendor – is inconsistent with

¹² See *Requests for Review of Decisions of the Universal Service Administrator by Allendale County School District Cedar Mountain, North Carolina, et al. Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, DA 11-723, ¶ 50 and n. 9 (2011).

¹³ See CONFIDENTIAL Exhibit 5.

¹⁴ *Id.*

USAC's guidelines for ideal competitive bidding procedures, there was still not any violation of the ultimate FCC requirements. The District complied with program rules, carefully considered all bids, with price being the primary factor, and in each case chose the most cost-effective service offering, as required by Sections 54.503(c)(2)(vii) and 54.111 of the Commission's rules.

Therefore, the Commission should grant the District's appeal of the USAC Funding Decision, remand the District's 2011 funding application to USAC for immediate approval, and direct USAC to apply the Commission's findings to applications submitted by the District for subsequent funding years that are based on the District's 2011 bid selection process.

Respectfully submitted,



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Counsel for Wheeling School District 21

December 11, 2012

CERTIFICATE OF SERVICE

I, Debra Sloan, hereby certify that a true and correct copy of the foregoing *Request for Review by Wheeling School District 21 of Funding Decision of The Universal Service Administrator* was mailed postage prepaid this 11th day of December, 2012 to the following:

Universal Service Administrative Company
Schools and Libraries Division
100 South Jefferson Road
P.O. Box 902
Whippany, New Jersey 07981

/s/

EXHIBIT 1

470

Schools and Libraries Universal Service Description of Services Requested and Certification Form

Estimated Average Burden Hours Per Response: 4.0 hours

This form is designed to help you describe the eligible telecommunications-related services you seek so that this data can be posted on the Fund Administrator website and interested service providers can identify you as a potential customer and compete to serve you.

Please read instructions before beginning this application.

(To be completed by entity that will negotiate with providers.)

Block 1: Applicant Address and Identifications

Form 470 Application Number: 164510000873252

Applicant's Form Identifier: FY11Internet2

Application Status: CERTIFIED

Posting Date: 12/05/2010

Allowable Contract Date: 01/02/2011

Certification Received Date: 12/05/2010

1. Name of Applicant:

WHEELING SCHOOL DISTRICT 21

2. Funding Year:

07/01/2011 - 06/30/2012

3. Your Entity Number

135338

4a. Applicant's Street Address, P.O.Box, or Route Number

999 WEST DUNDEE ROAD

City

WHEELING

State

IL

Zip Code

60090 - 3986

b. Telephone number

ext.

(847) 537-8270

c. Fax number

(847) 520-2710

5. Type Of Applicant

- ☐ Individual School (individual public or non-public school)
- ☐ School District (LEA; public or non-public [e.g., diocesan] local district representing multiple schools)
- ☐ Library (including library system, library outlet/branch or library consortium as defined under LSTA)
- ☐ Consortium (intermediate service agencies, states, state networks, special consortia of schools and/or libraries)

6a. Contact Person's Name: Jason Klein

*First, if the Contact Person's Street Address is the same as in **Item 4** above, check this box. If not, please complete the entries for the Street Address below.*

6b. Street Address, P.O.Box, or Route Number

999 W Dundee Road

City

State

Zip Code

Wheeling	IL	60090
<p><i>Check the box next to your preferred mode of contact and provide your contact information. One box MUST be checked and an entry provided.</i></p>		
<p><input checked="" type="checkbox"/> 6c. Telephone Number (847) 520-2835</p>		
<p><input checked="" type="checkbox"/> 6d. Fax Number (847) 520-2605</p>		
<p><input checked="" type="checkbox"/> 6e. E-mail Address jason.klein@ccsd21.org</p>		
<p>Block 2: Summary Description of Needs or Services Requested</p>		
<div style="border: 1px solid black; padding: 5px;"> <p>7 This Form 470 describes (check all that apply):</p> <p>a. <input checked="" type="checkbox"/> Tariffed or month-to-month services to be provided without a written contract. A new Form 470 must be filed for non-contracted tariffed or month-to-month services for each funding year.</p> <p>b. <input checked="" type="checkbox"/> Services for which a new written contract is sought for the funding year in Item 2. <div style="display: flex; justify-content: space-around; margin-top: 5px;"> Check if you are seeking <input checked="" type="checkbox"/> a multi-year contract <input checked="" type="checkbox"/> a contract featuring voluntary extensions </div> </p> <p>c. <input type="checkbox"/> A multi-year contract signed on or before 7/10/97 but for which no Form 470 has been filed in a previous funding year.</p> <p>NOTE: Services that are covered by a signed, written contract executed pursuant to posting of a Form 470 in a previous funding year OR a contract signed on/before 7/10/97 and previously reported on a Form 470 as an existing contract do NOT require filing of a new Form 470.</p> </div>		

What kinds of service are you seeking: Telecommunications Services, Internet Access, Internal Connections Other than Basic Maintenance, or Basic Maintenance of Internal Connections? Refer to the Eligible Services List at www.sl.universalservice.org for examples. Check the relevant category or categories (8, 9, 10 and/or 11 below), and answer the questions in each category you select.

8 ☐ Telecommunications Services
Do you have a Request for Proposal (RFP) that specifies the services you are seeking ? If you check YES, your RFP must be available to all interested bidders for at least 28 days. If you check YES and your RFP is not available to all interested bidders, or if you check NO and you have or intend to have an RFP, you risk denial of your funding requests.

a ☐ **YES**, I have released or intend to release an RFP for these services. It is available or will become available on the Web at or via (check one):
☐ the Contact Person in Item 6 or ☐ the contact listed in Item 12.

b ☐ **NO**, I have not released and do not intend to release an RFP for these services.

Whether you check YES or NO, you must list below the Telecommunications Services you seek. Specify each service or function (e.g., local voice service) and quantity and/or capacity (e.g., 20 existing lines plus 10 new ones). See the Eligible Services List at www.sl.universalservice.org for examples of eligible Telecommunications services. Remember that only eligible telecommunications providers can provide these services under the universal service support mechanism. Attach additional lines if needed.

<p>c <input type="checkbox"/> Check this box if you prefer discounts on your bill.</p>	<p><input type="checkbox"/> Check this box if you prefer reimbursement after paying your bill in full.</p>	<p><input type="checkbox"/> Check this box if you do not have a preference.</p>
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9 ☒ Internet Access

Do you have a Request for Proposal (RFP) that specifies the services you are seeking ? If you check YES, your RFP must be available to all interested bidders for at least 28 days. If you check YES and your RFP is not available to all interested bidders, or if you check NO and you have or intend to have an RFP, you risk denial of your funding requests.

a ☒ YES, I have released or intend to release an RFP for these services. It is available or will become available on the Web at or via (check one):

☐ the Contact Person in Item 6 or ☐ the contact listed in Item 12.

b ☒ NO, I have not released and do not intend to release an RFP for these services.

Whether you check YES or NO, you must list below the Internet Access Services you seek. Specify each service or function (e.g., monthly Internet service) and quantity and/or capacity (e.g., for 500 users). See the Eligible Services List at www.sluniversalservice.org for examples of eligible Internet Access services. Attach additional lines if needed.

c <input checked="" type="radio"/> Check this box if you prefer discounts on your bill.	<input checked="" type="radio"/> Check this box if you prefer reimbursement after paying your bill in full.	<input checked="" type="radio"/> Check this box if you do not have a preference.
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Service or Function:	Quantity and/or Capacity:
Fiber or Dark Fiber and Installation within Property Line	For WAN & Internet Connections Listed Below
Internet Access	14 buildings, 3000 computers, Minimum of 100 Mb shared connection to Internet
Wide Area Network	14 schools, 500 classrooms/offices, 3000 computers, minimum of 10 Mb connection
Firewall Services	14 schools, 500 classrooms/offices, 3000 computers
Web Hosting	3 domains, 20 major sub-domains
Email Service	District-wide email service, minimum of 800 users

10 ☐ **Internal Connections Other than Basic Maintenance**

Do you have a Request for Proposal (RFP) that specifies the services you are seeking ? If you check YES, your RFP must be available to all interested bidders for at least 28 days. If you check YES and your RFP is not available to all interested bidders, or if you check NO and you have or intend to have an RFP, you risk denial of your funding requests.

a ☒ YES, I have released or intend to release an RFP for these services. It is available or will become available on the Web at or via (check one):

☐ the Contact Person in Item 6 or ☐ the contact listed in Item 12.

b ☒ NO, I have not released and do not intend to release an RFP for these services.

Whether you check YES or NO, you must list below the Internal Connections Services you seek. Specify each service or function (e.g., a router, hub and cabling) and quantity and/or capacity (e.g., connecting 1 classroom of 30 students). See the Eligible Services List at www.sluniversalservice.org for examples of eligible Internal Connections services. Attach additional lines if needed.

c <input checked="" type="radio"/> Check this box if you prefer discounts on your bill.	<input checked="" type="radio"/> Check this box if you prefer reimbursement after paying your bill in full.	<input checked="" type="radio"/> Check this box if you do not have a preference.
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11 ☒ **Basic Maintenance of Internal Connections**

Do you have a Request for Proposal (RFP) that specifies the services you are seeking ? If you check YES, your RFP must be available to all interested bidders for at least 28 days. If you check YES and your RFP is not available to all interested bidders, or if you check NO and you have or intend to have an RFP, you risk denial of your funding requests.

a ☒ YES, I have released or intend to release an RFP for these services. It is available or will become

available on the Web at or via (check one):

☐ the Contact Person in Item 6 or ☐ the contact listed in Item 12.

b ☒ **NO**, I have not released and do not intend to release an RFP for these services.

Whether you check YES or NO, you must list below the Basic Maintenance Services you seek. Specify each service or function (e.g., basic maintenance of routers) and quantity and/or capacity (e.g., for 10 routers). See the Eligible Services List at www.sl.universalservice.org for examples of eligible Basic Maintenance services. Attach additional lines if needed.

c ☒ Check this box if you prefer discounts on your bill.

☐ Check this box if you prefer reimbursement after paying your bill in full.

☐ Check this box if you do not have a preference.

Service or Function:

Quantity and/or Capacity:

Basic Maintenance of Core Router

1 core switch

Basic Maintenance of Routers

14 routers

Basic Maintenance of Switches

260 switches

12 (Optional) Please name the person on your staff or project who can provide additional technical details or answer specific questions from service providers about the services you are seeking. This need not be the contact person listed in Item 6 nor the Authorized Person who signs this form.

Name:

Title:

Telephone number

0 -

Fax number

0 -

E-mail Address

13a. ☐ Check this box if there are any restrictions imposed by state or local laws or regulations on how or when service providers may contact you or on other bidding procedures. Please describe below any such restrictions or procedures, and/or provide a Web address where they are posted and a contact name and telephone number.

☐ Check this box if no state and local procurement/competitive bidding requirements apply to the procurement of services sought on this Form 470.

13b. If you have plans to purchase additional services in future years, or expect to seek new contracts for existing services, you may summarize below (including the likely timeframes). If you are requesting services for a funding year for which a Form 470 cannot yet be filed online, include that information here. **More information about our desired services can be found here:**
<http://www.ccsd21.org/technology/erateproposals/fall2010/internetwanother.html>

Block 3: Technology Assessment

14. ☐ **Basic telephone service only:** If your application is for basic telephone service and voice mail only, check this box and skip to Item 16. Basic telephone service is defined as wireline or wireless single line voice service (local, cellular/PCS, and/or long distance) and mandatory fees associated with such service (e.g., federal and state taxes and universal service fees).

15. Although the following services and facilities are ineligible for support, they are usually necessary to make effective use of the eligible services requested in this application. Unless you indicated in Item 14 that your application is ONLY for basic telephone service, you must check one or both boxes in 15a through 15e. You may provide details for purchases being sought.

a. Desktop communications software: Software required ☐ has been purchased; and/or ☐ is being sought.

<p>b. Electrical systems: <input type="checkbox"/> adequate electrical capacity is in place or has already been arranged; and/or <input type="checkbox"/> upgrading for additional electrical capacity is being sought.</p>
<p>c. Computers: a sufficient quantity of computers <input type="checkbox"/> has been purchased; and/or <input type="checkbox"/> is being sought.</p>
<p>d. Computer hardware maintenance: adequate arrangements <input type="checkbox"/> have been made; and/or <input type="checkbox"/> are being sought.</p>
<p>e. Staff development: <input type="checkbox"/> all staff have had an appropriate level of training /additional training has already been scheduled; and/or <input type="checkbox"/> training is being sought.</p>
<p>f. Additional details: Use this space to provide additional details to help providers to identify the ineligible services you desire.</p>

Block 4: Recipients of Service

16. Eligible Entities That Will Receive Services:

Check the ONE choice (Item **16a**, **16b** or **16c**) that best describes this application and the eligible entities that will receive the services described in this application. You will then list in Item **17** the entity/entities that will pay the bills for these services.

a. ☐ **Individual school or single-site library.**

b. ☐ **Statewide application for (enter 2-letter state code) representing (check all that apply):**

- ☐ All public schools/districts in the state:
- ☐ All non-public schools in the state:
- ☐ All libraries in the state:

If your statewide application includes INELIGIBLE entities, check here. ☐ **If checked, complete Item 18.**

c. ☐ **School district, library system, or consortium application to serve multiple eligible entities:**

Number of eligible entities	14
<i>For these eligible sites, please provide the following</i>	
Area Codes (list each unique area code)	Prefixes associated with each area code (first 3 digits of phone number) separate with commas, leave no spaces
847	419

847	520
847	537
847	670
847	803

17. Billed Entities

17. Billed Entities: List the entity/entities that will be paying the bills directly to the provider for the services requested in this application. These are known as Billed Entities. At least one line of this item must be completed. If a Billed Entity cited on your Form 471 is not listed below, funding may be denied for the funding requests associated with this Form 470.

Entity Number	Entity
135338	WHEELING SCHOOL DISTRICT 21

18. Ineligible Participating Entities

List the names of any entity/entities here for whom services are requested that are not eligible for the Universal Service Program.

Ineligible Participating Entity	Area Code	Prefix

Block 5: Certification

19. ☒ I certify that the applicant includes:(Check one or both.)

- a. ☒ schools under the statutory definitions of elementary and secondary schools found in the **No Child Left Behind Act of 2001, 20 U.S.C.Secs.7081(18) and (38)**, that do not operate as for-profit businesses, and do not have endowments exceeding \$50 million; and/or
- b. ☐ libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any school (including, but not limited to elementary and secondary schools, colleges, and universities).

20. ☒ I certify that all of the individual schools, libraries, and library consortia receiving services under this application are covered by technology plans that are written, that cover all 12 months of the funding year, and that have been or will be approved by a state or other authorized body, an SLD-certified technology plan approver, prior to the commencement of service. The plans were written at the following level(s):

- a. ☐ individual technology plans for using the services requested in the application; and/or
- b. ☒ higher-level technology plans for using the services requested in the application; or
- c. ☐ no technology plan needed; application requests basic local, cellular, PCS, and/or long distance telephone service and/or voice mail only

21. ☒ I certify that I will post my Form 470 and (if applicable) make my RFP available for at least 28

days before considering all bids received and selecting a service provider. I certify that all bids submitted will be carefully considered and the bid selected will be for the most cost-effective service or equipment offering, with price being the primary factor, and will be the most cost-effective means of meeting educational needs and technology plan goals. I certify that I will retain required documents for a period of at least five years after the last day of service delivered. I certify that I will retain all documents necessary to demonstrate compliance with the statute and Commission rules regarding the application for, receipt of, and delivery of services receiving schools and libraries discounts. I acknowledge that I may be audited pursuant to participation in the schools and libraries program.

22. ☒ I certify that the services the applicant purchases at discounts provided by 47 U.S.C. Sec. 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value, except as permitted by the Commission's rules at 47 C.F.R. Sec. 54.500(k). Additionally, I certify that the entity or entities listed on this application have not received anything of value or a promise of anything of value, other than the services and equipment sought by means of this form, from the service provider, or any representative or agent thereof or any consultant in connection with this request for services.

23. ☒ I acknowledge that support under this support mechanism is conditional upon the school(s) and/or library(ies) I represent securing access, separately or through this program, to all of the resources, including computers, training, software, internal connections, maintenance, and electrical capacity necessary to use the services purchased effectively. I recognize that some of the aforementioned resources are not eligible for support.

24. ☒ I certify that I am authorized to order telecommunications and other supported services for the eligible entity(ies). I certify that I am authorized to submit this request on behalf of the eligible entity(ies) listed on this application, that I have examined this request, and to the best of my knowledge, information, and belief, all statements of fact contained herein are true.

25. ☒ I certify that I have reviewed all applicable state and local procurement/competitive bidding requirements and that I have complied with them. I acknowledge that persons willfully making false statements on this form can be punished by fine or forfeiture, under the Commissions Act, 47 U.S.C. Secs. 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. Sec. 1001.

26. ☒ I acknowledge that FCC rules provide that persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the schools and libraries support mechanism are subject to suspension and debarment from the program.

27. Signature of authorized person: ☒

28. Date (mm/dd/yyyy): **12/05/2010**

29. Printed name of authorized person: **Jason Klein**

30. Title or position of authorized person: **Director of Technology**

31a. Address of authorized person: **999 W Dundee Road**

City: **Wheeling** State: **IL** Zip: **60090**

31b. Telephone number of authorized person: **(847) 520 - 2835**

31c. Fax number of authorized person: **(847) 5202605**

31d. E-mail address number of authorized person: **jason.klein@ccsd21.org**

31e. Name of authorized person's employer: **Community Consolidated School District 21**

Service provider involvement with preparation or certification of a Form 470 can taint the competitive bidding process and result in the denial of funding requests. For more information, refer to the SLD web site at www.sl.universalservice.org or call the Client Service Bureau at 1-888-203-8100.

NOTICE: Section 54.504 of the Federal Communications Commission's rules requires all schools and libraries ordering services that are eligible for and seeking universal service discounts to file this Description of Services Requested and Certification Form (FCC Form 470) with the Universal Service Administrator. 47 C.F.R. § 54.504. The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended. 47 U.S.C. § 254. The data in the report will be used to ensure that schools and libraries comply with the competitive bidding requirement contained in 47 C.F.R. § 54.504. All schools and libraries planning to order services eligible for universal service discounts must file this form themselves or as part of a consortium.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The FCC is authorized under the Communications Act of 1934, as amended, to collect the information we request in this form. We will use the information you provide to determine whether approving this application is in the public interest. If we believe there may be a violation or a potential violation of any applicable statute, regulation, rule or order, your application may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing the statute, rule, regulation or order. In certain cases, the information in your application may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government is a party of a proceeding before the body or has an interest in the proceeding. In addition, information provided in or submitted with this form or in response to subsequent inquiries may also be subject to disclosure consistent with the Communications Act of 1934, FCC regulations, the Freedom of Information Act, 5 U.S.C. § 552, or other applicable law.

If you owe a past due debt to the federal government, the information you provide may also be disclosed to the Department of the Treasury Financial Management Service, other Federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide the information to these agencies through the matching of computer records when authorized.

If you do not provide the information we request on the form, the FCC may delay processing of your application or may return your application without action.

The foregoing Notice is required by the Paperwork Reduction Act of 1995, Pub. L. No. 104-13, 44 U.S.C. § 3501, et seq.

Public reporting burden for this collection of information is estimated to average 4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing, and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the reporting burden to the Federal Communications Commission, Performance Evaluation and Records Management, Washington, DC 20554.

Please submit this form to:

SLD-Form 470

P.O. Box 7026

Lawrence, Kansas 66044-7026

1-888-203-8100

For express delivery services or U.S. Postal Service, Return Receipt Requested, mail this form to:

SLD Forms

ATTN: SLD Form 470

3833 Greenway Drive

Lawrence, Kansas 66046

1-888-203-8100

FCC Form 470
October 2004

[New Search](#)

[Return To Search Results](#)

EXHIBIT 2

FCC Form 471

Approval by OMB
3060-0806

Schools and Libraries Universal Service Description of Services Ordered and Certification Form 471

Estimated Average Burden Hours per Response: 4 hours

This form is designed to help schools and libraries to list the eligible services they have ordered and estimate the annual charges for them so that the Fund Administrator can set aside sufficient support to reimburse providers for services.

Please read instructions before beginning this application. (You can also file online at www.usac.org/sl.)

The instructions include information on the deadlines for filing this application.

Applicant's Form Identifier (Create an identifier for your own reference) 471_Net56	Form 471 Application #: 806960 (To be assigned by administrator)
--	--

Block 1: Billed Entity Address and Identifications

1 Name of Billed Entity
WHEELING SCHOOL DISTRICT 21

2 Funding Year 2011

3a Entity Number 135338

3b FCC Registration Number 0011959665

4a Street Address, P.O. Box, or Route Number
999 WEST DUNDEE ROAD

City WHEELING State IL Zip Code 60090-3986

4b Telephone Number

4c Fax Number

5a Type of Application (check only one)

☐ Individual School (individual public or non-public school)

☒ School District (LEA; public or non-public [e.g. diocesan] local district representing multiple schools)

☐ Library (including library system, library outlet/branch or library consortium as defined under LSTA)

☐ Consortium (intermediate service agencies, states, state networks, special consortia of schools and/or libraries)

☐ Statewide application for (enter 2-letter state code)
representing (check all that apply)

☐ All public schools/districts in the state

☐ All non-public schools in the state

☐ All libraries in the state

5b Recipient(s) of Services:

☐ Private ☒ Public ☐ Charter

☐ Tribal ☐ Head Start ☐ State Agency

Entity Number: 135338	Applicant's Form Identifier: 471_Net56
Contact Person: Jason Klein	Contact Phone Number:

Block 1: Billed Entity Address and Identifications (continued)

6a Contact Person's Name
Jason Klein

If the Contact Person's Street Address is the same as Item 4 above, check here. ☐ If not, complete Item 6b.

6b Street Address, P.O. Box, or Route Number
NOTE: USAC will use this address to mail correspondence about this form.
999 WEST DUNDEE ROAD

City WHEELING State IL Zip Code 60090-3986

Check the box next to your preferred mode of contact and provide your contact information. One box MUST be checked and an entry provided.

☐ 6c Telephone Number

☐ 6d Fax Number

☒ 6e E-Mail Address
Re-enter E-mail Address

6f Holiday/vacation/summer contact information: please include name of alternate contact (if applicable) and alternate phone, fax or E-mail address

If a consultant is assisting you with your application process, please complete Item 6g below:

6g Consultant Name
Name of Consultant's Employer
Consultant's Street Address

City State Zip Code
Consultant's Telephone Number Ext.
Consultant's Fax Number
Consultant's E-mail Address
Re-enter E-mail Address
Consultant Registration Number

Entity Number: 135338		Applicant's Form Identifier: 471_Net56	
Contact Person: Jason Klein		Contact Phone Number:	
Complete this information on EVERY Form 471 you file for the services requested on that form. Please complete all rows that apply to services for which you are requesting discounts.			
Schools/school districts complete the left-hand column and libraries complete the right-hand column. Consortia complete all that apply.			
Block 2: Impact of Services Ordered for Schools and Libraries from this Form 471			
		Schools	Libraries
7a Number of students or patrons to be served		7000	0
b Telephone service: Number of classrooms or rooms with phone service		669	0
c Direct connections to the Internet: Number of drops		2900	0
d Number of classrooms or rooms with Internet access		669	0
e Number of computers or other devices with Internet access		3000	0
f Number of dial-up Internet access and other connections of up to 200 kbps :		0	0
g High-speed Internet access services: Number of buildings served at the following speeds (please use advertised download speed coming into building, not actual speed in classroom or work area):	At or greater than 200 kbps and less than 1.5 mbps	0	0
	At or greater than 1.5 mbps and less than 3 mbps	0	0
	At or greater than 3 mbps and less than 10 mbps	10	0
	At or greater than 10 mbps and less than 25 mbps	2	0
	At or greater than 25 mbps and less than 50 mbps	2	0
	At or greater than 50 mbps and less than 100 mbps	0	0
	Greater than 100 mbps	0	0
Block 3:			
8 [Reserved]			

Entity Number: 135338										Applicant's Form Identifier: 471_Net56				
Contact Person: Jason Klein										Contact Phone Number:				

Block 4: Discount Calculation Worksheet **Worksheet - 1347026**
Page 1 of 2

The Block 4 worksheet is used to calculate your discount for services. You will complete one or more worksheets depending on the type of application you are filing. If you file more than one worksheet, please number the completed worksheets to assure that they are all processed correctly. Please refer to the instructions for information specific to the Type of Application you indicated in Block 1, Item 5.

☒ Check here if this worksheet contains all eligible entities in the school district or library system.

9a List entities and calculate discount(s): (For Administrator's Use)
School District or Library System Name: **School District or Library System Entity Number:**

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Name of Eligible Entity	Entity Number AND NCES Code (for Schools) or FSCS Code (for Libraries)	Urban or Rural U or R	Total Number of Students	Number of Students Eligible for NSLP	Percent of Students Eligible for NSLP (Col. 5 / Col. 4)	Disc. from Disc. Matrix	New Construction	Admin Entity or NIF	Alt Disc Mech	Weighted Product for Calculating Shared Discount (Col. 4 x Col. 7)	Insert appropriate codes(s): P= pre-K, H = Head Start, A = Adult Education, J = Juvenile Justice, E = ESA, D = Dormitory	Entity Number of School District in which Library Outlet/Branch is Located	Discount of Member Entity	Shared Discount
ALL ENTITIES			SCHOOLS AND LIBRARIES							Schools with shared services	Schools	Library Outlet/Branch	Consortia	
RILEY ELEMENTARY SCHOOL	68134 17 42210 04231	U	306	38	12.418%	40	N	N	N	12240				
EDGAR A POE ELEMENTARY SCHOOL	68135 17 42210 04233	U	437	72	16.476%	40	N	N	N	17480				
FROST ELEMENTARY SCHOOL	68402 17 42210 04232	U	635	318	50.079%	80	N	N	N	50800				
LONGFELLOW ELEMENTARY SCHOOL	68585 17 42210 04236	U	442	48	10.860%	40	N	N	N	17680				
COOPER MIDDLE SCHOOL	68588 17 42210 04230	U	695	213	30.647%	50	N	N	N	34750				
KILMER ELEMENTARY SCHOOL	68589 17 42210 04242	U	460	226	49.130%	60	N	N	N	27600				
DISTRICT 21 ADMINISTRATIVE CENTER	230363 17 42210 00000	U	0	0	0.000%	67	N	N	N	0				
LONDON MIDDLE SCHOOL	68595 17 42210 01184	U	686	269	39.213%	60	N	N	N	41160				
EUGENE FIELD ELEMENTARY SCHOOL	68596 17 42210 04237	U	539	343	63.636%	80	N	N	N	43120				
TARKINGTON ELEMENTARY SCHOOL	68597 17 42210 04234	U	428	165	38.551%	60	N	N	N	25680				
MARK TWAIN ELEMENTARY SCHOOL	68598 17 42210 04228	U	489	385	78.732%	90	N	N	N	44010				
HOLMES MIDDLE SCHOOL	68599 17 42210 04240	U	724	504	69.613%	80	N	N	N	57920				
HAWTHORNE	230227 17 42210 00000	U	584	311	53.253%	80	N	N	N	46720	P			
WHITMAN ELEMENTARY SCHOOL	68594 17 42210 04238	U	547	414	75.686%	90	N	N	N	49230				
9b Shared Services														
SCHOOL DISTRICTS: (Including groups of schools within school districts.) Calculate the totals of Columns 4 and 11. Divide the total of Column 11 by the total of Column 4. Enter the result in Column 15.			6972							468390				67%
LIBRARY SYSTEMS: Calculate the total of Column 7. Divide this total by the number of outlets/branches. Enter the result in Column 15.														
CONSORTIA: Calculate the total of Column 14. Divide this total by the number of member entities. Enter the result in Column 15.														

Entity Number:	Applicant's Form Identifier:
Contact Person:	Contact Phone Number:

Block 4: Discount Calculation Worksheet**Worksheet - 1347027****Page 2 of 2**

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(For Administrator's Use)

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Entity Number: 135338		Applicant's Form Identifier: 471_Net56																												
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12 Form 470 Application Number 164510000873252																														
13 SPIN – Service Provider Identification Number 143025679																														
14 Service Provider Name Net56, Inc																														
15a <input type="checkbox"/> Check this box if this Funding Request is for non-contracted tariffed or month-to-month services.																														
15b Contract Number Net56_2011																														
15c <input type="checkbox"/> Check this box if this Funding Request is covered under a master contract (a contract negotiated by a third party, the terms and conditions of which are then made available to an eligible entity that purchases directly from the service provider).																														
15d <input type="checkbox"/> Check this box if this Funding Request is a continuation of an FRN from a previous funding year based on a multi-year contract. If so, provide that FRN here:																														
16a Billing Account Number (e.g., billed telephone number)																														
16b <input type="checkbox"/> Check this box if there are multiple Billing Account Numbers and attach a complete list of those numbers to this page.																														
17 Allowable Vendor Selection/Contract Date (mm/dd/yyyy) (based on Form 470 filing) 01/02/2011																														
18 Contract Award Date (mm/dd/yyyy) 03/04/2011																														
19 Service Start Date (mm/dd/yyyy) 07/01/2011																														
20a Service End Date (mm/dd/yyyy)																														
Contract Expiration Date 20b (mm/dd/yyyy) 06/30/2016																														
21 Description of This Service: NOTE: All Item 21 Attachments must be filed before the close of the filing window. Attachment You MUST attach a description of the service, including a breakdown of components, costs, manufacturer name, make and model number. You must include any additional account or telephone numbers if the billed account has multiple numbers. Label the description with an Attachment Number, and note number in space provided. <div style="float: right;">Net56</div>																														
22 Entity/Entities Receiving This Service:		a. If the service is site-specific (provided to one site and not shared by others), list the Entity Number of the entity from Block 4 receiving this service: b. If the service is shared by all entities on a Block 4 worksheet, list the worksheet number (e.g., 1): 1347027																												

Entity Number: 135338		Applicant's Form Identifier: 471_Net56																												
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Total Charges	I. Total funding year pre-discount amount (E + H)	\$70,281.00																												
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	K. Funding Commitment Request (I x J)	\$47,088.27																												
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Entity Number: 135338	Applicant's Form Identifier: 471_Net56
Contact Person: Jason Klein	Contact Phone Number:

Block 6: Certifications and Signature

24 ☒ I certify that the entities listed in Block 4 of this application are eligible for support because they are: (Check one or both.)

a ☒ schools under the statutory definitions of elementary and secondary schools found in the **No Child Left Behind Act of 2001, 20 U.S.C. §§ 7801(18) and (38)**, that do not operate as for-profit businesses and do not have endowments exceeding \$50 million; and/or

b ☐ libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any schools, including, but not limited to, elementary, secondary schools, colleges, or universities.

25 ☒ I certify that the entity I represent or the entities listed on this application have secured access, separately or through this program, to all of the resources, including computers, training, software, internal connections, maintenance, and electrical capacity, necessary to use the services purchased effectively. I recognize that some of the aforementioned resources are not eligible for support. I certify that the entities I represent or the entities listed on this application have secured access to all of the resources to pay the discounted charges for eligible services from funds to which access has been secured in the current funding year. I certify that the Billed Entity will pay the non-discount portion of the cost of the goods and services to the service provider(s).

a Total funding year pre-discount amount on this Form 471 (Add the entries from Items 23l on all Block 5 Discount Funding Requests.)	634498.56
b Total funding commitment request amount on this Form 471 (Add the entries from Items 23K on all Block 5 Discount Funding Requests.)	425114.04
c Total applicant non-discount share (Subtract Item 25b from Item 25a.)	209384.52
d Total budgeted amount allocated to resources not eligible for E-rate support	30000
e Total amount necessary for the applicant to pay the non-discount share of the services requested on this application AND to secure access to the resources necessary to make effective use of the discounts. (Add Items 25c and 25d.)	239384.52

f ☐ Check this box if you are receiving any of the funds in Item 25e directly from a service provider listed on any of the Forms 471 filed by this Billed Entity for this funding year, or if a service provider listed on any of the Forms 471 filed by this Billed Entity for this funding year assisted you in locating funds in Item 25e.

26 ☒ I certify that, if required by Commission rules, all of the individual schools and libraries receiving services under this form are covered by technology plans that do or will cover all 12 months of the funding year, and that have been or will be approved by a state or other authorized body or an SLD-certified technology plan approver prior to the commencement of service.

Or ☐ I certify that no technology plan is required by Commission rules.

27 ☒ I certify that (if applicable) I posted my Form 470 and (if applicable) made any related RFP available for at least 28 days before considering all bids received and selecting a service provider. I certify that all bids submitted were carefully considered and the most cost-effective service offering was selected, with price being the primary factor considered, and is the most cost-effective means of meeting educational needs and technology plan goals.

28 ☒ I certify that the entity responsible for selecting the service provider(s) has reviewed all applicable FCC, state, and local procurement/competitive bidding requirements and that the entity or entities listed on this application have complied with them.

29 ☒ I certify that the services the applicant purchases at discounts provided by 47 U.S.C. § 254 will be used primarily for educational purposes and will not be sold, resold or transferred in consideration for money or any other thing of value, except as permitted by the Commission's rules at 47 C.F.R. §§ 54.500, 54.513. Additionally, I certify that the entity or entities listed on this application have not received anything of value or a promise of anything of value, other than services and equipment sought by means of this form, from the service provider, or any representative or agent thereof or any consultant in connection with this request for services.

30 ☒ I certify that I and the entity(ies) I represent have complied with all program rules and I acknowledge that failure to do so may result in denial of discount funding and/or cancellation of funding commitments. There are signed contracts covering all of the services listed on this Form 471 except for those services provided under non-contracted tariffed or month-to-month arrangements. I acknowledge that failure to comply with program rules could result in civil or criminal prosecution by the appropriate law enforcement authorities.

Entity Number: 135338		Applicant's Form Identifier: 471_Net56	
Contact Person: Jason Klein		Contact Phone Number:	

Block 6: Certification and Signature (Continued)

31 ☒ I acknowledge that the discount level used for shared services is conditional, for future years, upon ensuring that the most disadvantaged schools and libraries that are treated as sharing in the service, receive an appropriate share of benefits from those services.

32 ☒ I certify that I will retain required documents for a period of at least five years after the last day of service delivered. I certify that I will retain all documents necessary to demonstrate compliance with the statute and Commission rules regarding the application for, receipt of, and delivery of services receiving schools and libraries discounts, and that if audited, I will make such records available to the Administrator. I acknowledge that I may be audited pursuant to participation in the schools and libraries program.

33 ☒ I certify that I am authorized to order telecommunications and other supported services for the eligible entity(ies) listed on this application. I certify that I am authorized to submit this request on behalf of the eligible entity(ies) listed on this application, that I have examined this request, that all of the information on this form is true and correct to the best of my knowledge, that the entities that are receiving discounts pursuant to this application have complied with the terms, conditions and purposes of the program, that no kickbacks were paid to anyone and that false statements on this form can be punished by fine or forfeiture under the Communications Act, 47 U.S.C. §§ 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. § 1001 and civil violations of the False Claims Act.

34 ☒ I acknowledge that FCC rules provide that persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the schools and libraries support mechanism are subject to suspension and debarment from the program. I will institute reasonable measures to be informed, and will notify USAC should I be informed or become aware that I or any of the entities listed on this application, or any person associated in any way with my entity and/or the entities listed on this application, is convicted of a criminal violation or held civilly liable for acts arising from their participation in the schools and libraries support mechanism.

35 ☒ I certify that if any of the Funding Requests on this Form 471 are for discounts for products or services that contain both eligible and ineligible components, that I have allocated the eligible and ineligible components as required by the Commission's rules at 47 C.F.R. § 54.504(g)(1), (2).

36 ☒ I certify that this funding request does not constitute a request for internal connections services, except basic maintenance services, in violation of the Commission requirement that eligible entities are not eligible for such support more than twice every five funding years as required by the Commission's rules at 47 C.F.R. § 54.506(c).

37 ☒ I certify that the non-discount portion of the costs for eligible services will not be paid by the service provider. The pre-discount costs of eligible services featured on this Form 471 are net of any rebates or discounts offered by the service provider. I acknowledge that, for the purpose of this rule, the provision, by the provider of a supported service, of free services or products unrelated to the supported service or product constitutes a rebate of some or all of the cost of the supported services.

38	Signature of authorized person <input checked="" type="checkbox"/>	39	Date 03/19/2011
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40 Printed name of authorized person

41 Title or position of authorized person

☐ Check here if the consultant in Item 6g is the Authorized Person.

42a Street Address, P.O. Box, or Route Number

City
State Zip Code -

Entity Number: 135338		Applicant's Form Identifier: 471_Net56	
Contact Person: Jason Klein		Contact Phone Number:	
42b	Telephone Number of authorized Person	Ext.	
42c	Fax Number of Authorized Person		
42d	E-mail Address of authorized Person Re-enter E-mail Address		
42e	Name of Authorized Person's Employer		
<p>NOTICE: Section 54.504 of the Federal Communications Commission's rules requires all schools and libraries ordering services that are eligible for and seeking universal service discounts to file this Services Ordered and Certification Form (FCC Form 471) with the Universal Service Administrator. 47 C.F.R. § 54.504(c). The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended. 47 U.S.C. § 254. The data in the report will be used to ensure that schools and libraries comply with the competitive bidding requirement contained in 47 C.F.R. § 54.504. All schools and libraries planning to order services eligible for universal service discounts must file this form themselves or as part of a consortium.</p> <p>An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.</p> <p>The FCC is authorized under the Communications Act of 1934, as amended, to collect the information we request in this form. We will use the information you provide to determine whether approving this application is in the public interest. If we believe there may be a violation or a potential violation of any applicable statute, regulation, rule or order, your application may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing the statute, rule, regulation or order. In certain cases, the information in your application may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government is a party of a proceeding before the body or has an interest in the proceeding. In addition, consistent with the Communications Act of 1934, FCC regulations and orders, the Freedom of Information Act, 5 U.S.C. § 552, or other applicable law, information provided in or submitted with this form or in response to subsequent inquiries may be disclosed to the public.</p> <p>If you owe a past due debt to the Federal government, the information you provide may also be disclosed to the Department of the Treasury Financial Management Service, other Federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide the information to these agencies through the matching of computer records when authorized.</p> <p>If you do not provide the information we request on the form, the FCC may delay processing of your application or may return your application without action.</p> <p>The foregoing Notice is required by the Paperwork Reduction Act of 1995, Pub. L. No. 104-13, 44 U.S.C. § 3501, et seq.</p> <p>Public reporting burden for this collection of information is estimated to average 4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing, and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the reporting burden to the Federal Communications Commission, Performance Evaluation and Records Management, Washington, DC 20554.</p> <p>Please submit this form to: SLD-Form 471 P.O. Box 7026 Lawrence, Kansas 66044-7026</p> <p>For express delivery services or U.S. Postal Service, Return Receipt Requested, mail this form to: SLD Forms ATTN: SLD Form 471 3833 Greenway Drive Lawrence, Kansas 66046 (888) 203-8100</p>			

FCC Form 471 - October 2010

Close Print Preview

Previous

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EXHIBIT 3



Schools and Libraries Division

Date: 05/18/2012

Wheeling SD 21
Jason Klein
Application Number(s): 806960, 806955, 806932, 806917

We are in the process of reviewing Funding Year(s) **2011** Form(s) 471 to ensure that they are in compliance with the rules of the Universal Service program.

FRNs 2189789, 2189795, 2189778, 2189782, 2189743, 2189650, 2189657, 2189536:

Based on the documentation you provided during the Special Compliance Review, FRNs 2189789, 2189795, 2189778, 2189782, 2189743, 2189650, 2189657, 2189536 will be denied because price was not your primary factor in your vendor selection. Cost along with several other factors were all weighed at 20%. Upon evaluating vendors price must be the primary factor. Applicants must select the most cost-effective provider of the desired products or services eligible for support, with price as the primary factor. For additional guidance on vendor selection, please refer to the USAC website at <http://www.usac.org/sl/applicants/step03/evaluation.aspx>.

If the FRN should not be denied and you have alternative information, please provide the supporting documentation.

If you fail to respond to this email within 7 days, we will perform the action(s) listed above.

Should you wish to cancel your Form 471 application(s), or any of your individual funding requests, please clearly indicate in your response that it is your intention to cancel an application or funding request(s). Include in any cancellation request the Form 471 application number(s) and/or funding request number(s), and the complete name, title and signature of the authorized individual.

Thank you for your cooperation and continued support of the Universal Service Program.

Courtney Santiago
USAC, Schools and Libraries Division
Phone: 973-581-7596
Fax: 973-599-6552
E-mail: CSantia@sl.universalservice.org

CERTIFICATION

I certify that I am authorized to make the representations set forth in the responses to the inquiry on behalf of **Wheeling SD 21** the entity represented on and responding to the inquiry, and am the most knowledgeable person with regard to the information set forth therein. I certify that the responses and supporting documentation to the inquiry are true and correct to the best of my knowledge, information and belief. I acknowledge that FCC rules provide that persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the schools and libraries support mechanism are subject to suspension and debarment from the program. I acknowledge that false statements can be punished by fine or forfeiture under the Communications Act, 47 U.S.C. §§ 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. § 1001 and civil violations of the False Claims Act.

I declare under penalty of perjury that the foregoing is true and correct. Executed on ____ day of _____, 2012 at _____ [city], _____ [state].

Signature

Date

Print Name

Title

Employer

Telephone Number

Fax Number

Email Address

Address

EXHIBIT 4

CONFIDENTIAL

EXHIBIT 5

CONFIDENTIAL